

Remarks

Claims 1-3, 7-37 and 46-52 are presently at issue in this pending patent application. Claim 1 has been amended to include the limitations provided in Claim 4 and Claim 4 has been canceled. As a result of the amendment of Claim 1 and cancellation of Claim 4, Claim 6 was canceled and Claim 7 was amended. Claims 38-45 have also been canceled without prejudice or disclaimer of the subject matter claimed therein. Claims 46-49 were added to claim additional subject matter included in the specification. Claim 5 was canceled and re-written as independent Claim 50 to include the limitations of Claim 1. Claims 51-52 depend from Claim 50 and were added to claim additional subject matter in the specification. Reconsideration of the pending Claims and allowance is respectfully requested in view of the following comments.

Election/Restriction

Applicant confirms the provisional election with traverse of Group I, Claims 1-11. Applicants have added Claims 46-49 as dependent from Claim 1 and added independent Claim 50 to replace canceled Claim 5 and therefore Claims 46-52 are also provisionally elected with traverse as part of Group I.

The 35 U.S.C. 103(a) Claim Rejections

Claims 1-3 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 4,255,937 to Ehrlich (hereinafter "Ehrlich") and further in view of U.S. Patent No. 4,731,545 to Lerner et al. (hereinafter "Lerner"). In addition, Claim 8 is rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Ehrlich, Lerner, and U.S. Patent No. RE 36,168 to Heide (hereinafter "Heide"). Claims 9-10 also stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Ehrlich, Lerner and U.S. Patent No. 4,694,224 to Nakagawa (hereinafter "Nakagawa"). In addition, Claim 11 stands rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Ehrlich, Lerner and U.S. Patent No. 4,737,164 to Sarkkinen (hereinafter "Sarkkinen").

Applicant has amended Claim 1 to include the limitations of Claim 4 and Claim 4 has been canceled. Claim 4 was objected to as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, amended Claim 1 is now allowable. Applicant respectfully requests the removal of the 35

U.S.C. §103(a) rejection of Claim 1. In addition, dependent Claims 2-3, 7-10 and 46-49 depend from Claim 1 and are therefore also allowable for at least the same reasons.

Claim 5 was canceled and replaced by independent Claim 50. In independent Claim 50, the limitation with regard to argon was amended to correct a scrivener's error. This scrivener's error was also corrected in the detailed description by an amendment to the specification included herein. As provided in the detailed description, a determined mixture of neon and argon may be used in the ultraviolet light source to maximize the thermionic temperature of the reaction. A number of determined mixtures of neon and argon are provided in the specification and have been included in Claim 5 (canceled and replaced) and new Claims 50-52. Claim 5 was objected to as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, Claim 50 as amended is allowable.

Generic Claim

As a result of the amendment to Claim 1, Claim 33 is now a generic claim with respect to Claim 1. Accordingly, Applicant respectfully requests the Examiner to recognize the generic character of Claim 33 and examine Claim 33.

Classification of Claims 12-21

Claims 12-21 are classified in class 290, subclass 43. Class 290 includes patents for production and transmission of electric power. Subclass 43 is for "Electric-control prime-mover dynamo plants including a fluid-current motor." Applicant respectfully requests the Examiner to review this classification since it is not clear that Claim 12 provides an "Electric-control prime-mover dynamo plant including a fluid-current motor."

Related Non-prior Art Patent and Application


In an abundance of caution, Applicant is hereby disclosing the existence of U.S. Patent No. 6,798,080, issued September 28, 2004, and pending U.S. Patent Application Serial No. 10/683,020, filed October 9, 2003. The present application is a continuation-in-part of U.S. Patent No. 6,798,080. U.S. Patent Application Serial No. 10/683,020 is also a continuation-in-part of U.S. Patent No. 6,798,080. Accordingly, neither U.S. Patent

No. 6,798,080 or U.S. Patent Application Serial No. 10/683,020 are prior art to the present application.

Conclusion

Applicant believes that the Claims of the present application are allowable in their present form, and that this application is in condition for allowance. Accordingly, it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. Should the Examiner deem a telephone conference to be beneficial in expediting allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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